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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,210	09/15/2003	Marc L. Vitantonio	19427/04260	2209
24024	7590 08/23/2005		EXAMINER	
	ALTER & GRISWOL	DOWLING, WILLIAM C		
800 SUPERI SUITE 1400	OR AVENUE		ART UNIT	PAPER NUMBER
	D, OH 44114		2851	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

			age
	Application No.	Applicant(s)	
	10/605,210	VITANTONIO ET AL.	
Office Action Summary	Examiner	Art Unit	
·	William C. Dowling	2851	
The MAILING DATE of this communication appeared for Reply	ppears on the cover sheet w	th the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REP THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory perio - Failure to reply within the set or extended period for reply will, by statu. Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).		eply be timely filed y (30) days will be considered timely. ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on 29	April 2005.		
	is action is non-final.		*
3) Since this application is in condition for allow	ance except for formal mat	ers, prosecution as to the merits is	
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D.	. 11, 453 O.G. 213.	
Disposition of Claims			
4)⊠ Claim(s) <u>1-50</u> is/are pending in the applicatio	n.		
4a) Of the above claim(s) is/are withdr			
5) Claim(s) is/are allowed.			
6) Claim(s) <u>1-5,9-13,15,16,18-22,35-45,48 and</u>	50 is/are rejected.		
7) Claim(s) <u>6-8,17,46,47 and 49</u> is/are objected			
8) Claim(s) are subject to restriction and	or election requirement.		
Application Papers			•
9) The specification is objected to by the Examir	ner.		
10) ☐ The drawing(s) filed on is/are: a) ☐ ac	cepted or b) objected to	by the Examiner.	
Applicant may not request that any objection to th	e drawing(s) be held in abeyar	ice. See 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the corre	·	• • • • • • • • • • • • • • • • • • • •	•
11) The oath or declaration is objected to by the E	Examiner. Note the attached	Office Action or form PTO-152.	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C. §	119(a)-(d) or (f).	
a) All b) Some * c) None of:			
1. Certified copies of the priority document	nts have been received.		
2. Certified copies of the priority documer			
3. Copies of the certified copies of the pri	•	received in this National Stage	
application from the International Bure		raccived	
* See the attached detailed Office action for a lis	or the certified copies not	ieceiveu.	
Attachment(s)			
1) D Notice of References Cited (PTO-892)		Summary (PTO-413)	
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06 		s)/Mail Date Informal Patent Application (PTO-152)	
Paper No(s)/Mail Date	6) Other:		

DETAILED ACTION

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Allowable Subject Matter

1. Applicant is advised that the Notice of Allowance mailed 6/6/05 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 9, 10-13, 15-16, 18-22, 35-39, 41-45, 48, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magett in view of Price.

Magget discloses a multi-faceted reflection element (16) having a plurality of reflection surfaces (26) and an axis of rotation which passes along element (20);

Rotation means located substantially inside the multi-faceted element and comprising motor (22) supported along the rotation axis and one or more gear teeth (42) located on an interior portion (18)of the reflective element and in operable communication with the motor.

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Element (12) may be deemed a holder and (20) a spindle where the element rotates with bearing (32) while the spindle and holder remain stationary.

Maggett does not teach the use of a directional light source.

Price teaches another multi-faceted reflective element having directional light sources (11, 12) for directing light upon the reflective surfaces. Directional light sources may include casing (30), 5a lens (31), a reflector (34), and an image mask (53). Price further teaches connecting the directional light sources and a reflective element housing (10a) in spaced apart relation by means of a support frame (13). Stand (15) supports the frame.

It would have been obvious to one skilled in the art at the time of the invention to provide a housing element, as taught by Maggett, within a complete structure, such as taught by Price, in order to allow for image projection upon the reflective surfaces and produce more substantive reflections.

It further would have been obvious to one skilled in the art to form the reflective element in other shapes as desired, such as a barrel, because Price column 2 Lines 59-62 teaches the formation of a reflective element in a desired artistic shape.

Allowable Subject Matter

3. Claims 6- 8, 17, 46-47, 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Dowling whose telephone number is 571-272-2116. The examiner can normally be reached on MON-THURS.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-1750. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wcd

William Dowling